

MILITARY ASSISTANCE AND SALES 22 § 2314

Cong. and Adm. News, p. 2945; Adm. News, p. 1883; Pub. L. 93-189, 1973
 U.S. Code Cong. and Adm. News, p. 2806;
 Pub. L. 90-543, 1966 U.S. Code Cong. and Adm. News, p. 2887; Pub. L. 90-137, 1967
 Pub. L. 93-550, 1974 U.S. Code Cong. and
 Cong. and Adm. News, p. 1855; Adm. News, p. 6674; Pub. L. 94-329, 1976
 Pub. L. 90-554, 1968 U.S. Code Cong. and Adm. News, p. 1378;
 U.S. Code Cong. and Adm. News, p. 3957; Pub. L. 91-175, 1969
 Pub. L. 95-92, 1977 U.S. Code Cong. and
 Cong. and Adm. News, p. 2611; Adm. News, p. 978; Pub. L. 95-384, 1978
 U.S. Code Cong. and Adm. News, p. 1833.
 Pub. L. 92-226, 1972 U.S. Code Cong. and Adm. News, p. 1833.

Library References

United States § 85.

C.J.S. United States § 123.

2313. Transferred

Historical Note

Section, Pub. L. 87-195, 201(d)(1), (i), Nov. 14, 1967, 81 Stat. 456,
 II, § 505(a), (b), Sept. 4, 1961, 75 457, and is now classified to section 2302
 of this title.
 as amended, was renumbered
 of this title.
 507(c) by Pub. L. 90-137, Pt. II, §

2314. Furnishing of defense articles or related training or other defense service on grant basis

Conditions of eligibility

(a) In addition to such other provisions as the President may require, no defense articles or related training or other defense service shall be furnished to any country on a grant basis unless it shall have agreed that—

(1) it will not, without the consent of the President—

(A) permit any use of such articles or related training or other defense service by anyone not an officer, employee, or agent of that country,

(B) transfer or permit any officer, employee, or agent of that country to transfer such articles or related training or other defense service by gift, sale, or otherwise, or

(C) use or permit the use of such articles or related training or other defense service, for purposes other than those for which furnished;

(2) it will maintain the security of such articles or related training or other defense service, and will provide substantially the same degree of security protection afforded to such articles or related training or other defense service by the United States Government;

(3) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such articles or related training or other defense service; and

22 § 2314**FOREIGN ASSISTANCE****Ch. 32**

(4) ~~unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, such articles or related training or other defense service which are no longer needed for the purposes for which furnished.~~

Limitation on amount; exceptions

(b) No defense articles shall be furnished on a grant basis to any country at a cost in excess of \$3,000,000 in any fiscal year unless the President determines—

(1) that such country conforms to the purposes and principles of the Charter of the United Nations;

(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength, or the defensive strength of the free world;

(3) that such country is taking all reasonable measures, consistent with its political and economic stability, which may be needed to develop its defense capacities; and

(4) that the increased ability of such country to defend itself is important to the security of the United States.

Reduction and termination of grants to countries able to maintain adequate military forces without undue economic strain

(c) The President shall regularly reduce and, with such deliberation as orderly procedure and other relevant considerations, including prior commitments, will permit, shall terminate all further grants of military equipment and supplies to any country having sufficient wealth to enable it, in the judgment of the President, to maintain and equip its own military forces at adequate strength, without undue burden to its economy.

Termination of assistance; report of violation by President; conditions for reinstatement

(d)(1) Assistance and deliveries of assistance under this part to any country shall be terminated as hereinafter provided, if such country uses defense articles or defense services furnished under this chapter, the Mutual Security Act of 1954, or any predecessor Foreign Assistance Act, in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act (A) by using such articles or services for a purpose not authorized under section 2302 of this title or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 2302 of this title, for a purpose not authorized under such agreement; (B) by transferring such articles or services to, or permitting any use of such

Ch. 32 MILIT

articles or services furnished to the recipient country by failing to maintain such articles or services in the condition in which they were furnished.

(2)(A) Assistance shall be terminated if the President determines that the recipient country is not complying with the terms and conditions of the agreement or if the President finds by joint action that the recipient country is not complying with the terms and conditions of the agreement.

(B) The President shall report to the Congress the receipt of information that the recipient country is not complying with the terms and conditions of the agreement.

(3) Assistance shall be terminated if the President determines that the recipient country is not complying with the terms and conditions of the agreement.

(A) the President shall report to the Congress the receipt of information that the recipient country is not complying with the terms and conditions of the agreement.

(B) the President shall report to the Congress the receipt of information that the recipient country is not complying with the terms and conditions of the agreement.

(4) The authority to terminate assistance shall not be used to prevent the further assistance of the United States to the recipient country.

(e) In considering whether to provide assistance to a country, the President shall take into account the need for the recipient country to maintain adequate military forces without undue economic strain. (f) The President shall not give financial assistance to the recipient country for the defense articles or services furnished to the President's country under this title unless the President is satisfied that the recipient country is not complying with the terms and conditions of the agreement. (g) The President shall not provide assistance to a country unless the President is satisfied that the recipient country is not complying with the terms and conditions of the agreement.

Dispos

(f) Effective January 1, 1962, any country or territory that the net price of any weapon or military vessel will be paid to the recipient country to pay all official costs of the weapon or military vessel.

MILITARY ASSISTANCE AND SALES 22 § 2314

articles or services by, anyone not an officer, employee, or agent of the recipient country without the consent of the President; or (C) failing to maintain the security of such articles or services.

(2) (A) Assistance and deliveries of assistance shall be terminated pursuant to paragraph (1) of this subsection if the President so determines and so states in writing to the Congress, or if the Congress finds by joint resolution.

(B) The President shall report to the Congress promptly upon the receipt of information that a violation described in paragraph (1) of this subsection may have occurred.

(3) Assistance to a country shall remain terminated in accordance with paragraph (1) of this subsection until such time as—

(A) the President determines that the violation has ceased; and

(B) the country concerned has given assurances satisfactory to the President that such violation will not recur.

(4) The authority contained in section 2364(a) of this title may not be used to waive the provisions of this section with respect to further assistance under this part.

Consent by President to transfer

(e) In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military boat, military vessel, or other implement of war to another country, the President shall not give his consent under subsection (a)(1) or (a)(4) of this section to the transfer unless the United States itself would transfer the defense article under consideration to that country. In addition, the President shall not give his consent under subsection (a)(1) or (a)(4) of this section to the transfer of any significant defense articles on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

Disposition of defense articles furnished on grant basis; net proceeds to be paid over to United States

(f) Effective July 1, 1974, no defense article shall be furnished to any country on a grant basis unless such country shall have agreed that the net proceeds of sale received by such country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war received under this part will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in

*new section (f)
in supplement*

22 § 2314 FOREIGN ASSISTANCE

Ch. 2

32 MIL

the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

Discrimination prohibited if based on race, religion, national origin, or sex

(g)(1) It is the policy of the United States that no assistance under this part should be furnished to any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United States person (as defined in section 7701(a)(30) of Title 26) from participating in the furnishing of defense articles, or defense services under this part on the basis of race, religion, national origin, or sex.

(2)(A) No agency performing functions under this part shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(B) Each contract entered into by any such agency for the performance of any function under this part shall contain a provision to the effect that no person, partnership, corporation, or other entity performing functions pursuant to such contract, shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(3) The President shall promptly transmit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate concerning any transaction in which any United States person (as defined in section 7701(a)(30) of Title 26) is prevented by a foreign government on the basis of race, religion, national origin, or sex, from participating in the furnishing of assistance under this part, or education and training under part V of this subchapter, to any foreign country. Such reports shall include (A) a description of the facts and circumstances of any such discrimination, (B) the response thereto on the part of the United States or any agency or employee thereof, and (C) the result of such response, if any.

(4)(A) Upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall, within 60 days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, with respect to the country designated in such request, setting forth—

(i) all
cies or pr
policies o
gin, or se
transactio
this part
subchapte

(ii) the
of such re

(iii) wh
ing any su

(I)

a cont
transa
and th
trainin
condit

(II)

United
trainin

(iv) suc

(B) In the
training transa
this paragraph
in 60 days after
transaction sha
transmitted.

(C)(i) In the
training transa
paragraph, the
resolution term
transaction.

(ii) Any such
cordance with t
Security Assista

(iii) The term
means, for the
under subparagr

Pub.L. 87-195, P
Pub.L. 87-565, I
89-583, Pt. II, §
L. 90-137, Pt. II
Pub.L. 92-226, P
93-189, § 12(b)(
II, §§ 203(b), 20

22 § 2314 MILITARY ASSISTANCE AND SALES

(i) all the available information about the exclusionary policies or practices of the government of such country when such policies or practices are based upon race, religion, national origin, or sex and prevent any such person from participating in a transaction involving the furnishing of any assistance under this part or any education and training under part V of this subchapter;

(ii) the response of the United States thereto and the results of such response;

(iii) whether, in the opinion of the President, notwithstanding any such policies or practices—

(I) extraordinary circumstances exist which necessitate a continuation of such assistance or education and training transaction, and, if so, a description of such circumstances and the extent to which such assistance or education and training transaction should be continued (subject to such conditions as Congress may impose under this section), and

(II) on all the facts it is in the national interest of the United States to continue such assistance or education and training transaction; and

(iv) such other information as such committee may request.

(B) In the event a statement with respect to an assistance or training transaction is requested pursuant to subparagraph (A) of this paragraph but is not transmitted in accordance therewith within 60 days after receipt of such request, such assistance or training transaction shall be suspended unless and until such statement is transmitted.

(C)(i) In the event a statement with respect to an assistance or training transaction is transmitted under subparagraph (A) of this paragraph, the Congress may at any time thereafter adopt a joint resolution terminating or restricting such assistance or training transaction.

(ii) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(iii) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under subparagraph (A) of this paragraph.

Pub.L. 87-195, Pt. I, § 505, formerly § 506, Sept. 4, 1961, 75 Stat. 436; Pub.L. 87-565, Pt. II, § 201(a), Aug. 1, 1962, 76 Stat. 259; Pub.L. 89-583, Pt. II, § 201(b), Sept. 19, 1966, 80 Stat. 803, renumbered Pub.L. 90-137, Pt. II, § 201(e), Nov. 14, 1967, 81 Stat. 456, and amended Pub.L. 92-226, Pt. II, § 201(b), (c), Feb. 7, 1972, 86 Stat. 25; Pub.L. 93-189, § 12(b)(3), Dec. 17, 1973, 87 Stat. 721; Pub.L. 94-329, Title II, §§ 203(b), 204(b)(2), Title III, §§ 302(a), 304(a), June 30, 1976,

22 § 2314**FOREIGN ASSISTANCE****Ch. 32**

90 Stat. 735, 736, 751, 754; Pub.L. 95-105, Title I, § 109(a)(4), Aug. 17, 1977, 91 Stat. 846; H.Res. 89, Feb. 15, 1979.

Historical Note

References in Text. This chapter, referred to in subsec. (d)(1), was in the original, this Act, meaning Pub.L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Mutual Security Act of 1954, referred to in subsec. (d)(1), is Act Aug. 26, 1954, c. 937, 68 Stat. 832, as amended by Acts July 8, 1955, c. 301, 69 Stat. 283; July 18, 1956, c. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub.L. 85-141, 71 Stat. 355; June 30, 1958, Pub.L. 85-477, Ch. I, §§ 101 to 103, Ch. II, §§ 201 to 205, Ch. III, § 301, Ch. IV, § 401, Ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub.L. 86-108, § 2, Ch. I, § 101, Ch. II, §§ 201 to 205(a) to (i), (k) to (n), Ch. III, § 301, Ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub.L. 86-472, Chs. I to V, 74 Stat. 134, which was principally classified to chapter 24 (section 1750 et seq.) of this title and which was repealed by Act July 18, 1956, c. 627, § 8(m), 70 Stat. 559; Pub.L. 85-141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356; Pub.L. 86-108, Ch. II, § 205(j), Ch. IV, § 401(i), July 24, 1959, 73 Stat. 250; Pub.L. 86-472, Ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138; Pub.L. 87-195, Pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460; Pub.L. 94-329, Title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, except for sections 1754, 1783, 1796, 1853, 1922, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables volume.

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (f), is Pub.L. 87-258, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (section 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume.

Section 601 of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (g)(4)(C), is section 601 of Pub.L. 94-329, which was not classified to the Code.

1977 Amendment. Subsec. (g)(4)(A). Pub.L. 95-105 substituted "Assistant Secretary of State" for "Coordinator" in provisions preceding cl. (1).

1976 Amendment. Subsec. (a). Pub.L. 94-329, § 203(b), inserted "or related training or other defense service" following "articles" wherever appearing.

Subsec. (d). Pub.L. 94-329, § 304(a), provided that either the President, by stating in a writing to Congress, or Congress, by joint resolution, terminate assistance upon determining a violation, specified conditions for reinstatement of assistance, and denied the President the power, where a violation has been determined, of granting assistance on the basis of national security.

Subsec. (e). Pub.L. 94-329, § 204(b)(2), struck out provisions relating to the President's notification of his consent to transfer war implements to another country, in writing, to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate indicating his justification for the transfer and the particular war implement transferred.

Subsec. (g). Pub.L. 94-329, § 302(a), added subsec. (g).

1973 Amendment. Subsecs. (e), (f). Pub.L. 93-189 added subsecs. (e) and (f).

1972 Amendment. Subsec. (b)(2), Pub.L. 92-226, § 201(b), substituted "or" for "and".

Subsec. (e). Pub.L. 92-226, § 201(c), repealed provisions respecting condition of eligibility requiring agreements for use of foreign currencies from sale of surplus commodities for common defense including internal security.

1966 Amendment. Subsec. (e). Pub.L. 89-583 added subsec. (e).

1962 Amendment. Subsecs. (c), (d). Pub.L. 87-565 added subsecs. (c) and (d).

Change of Name. The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, effective Feb. 5, 1979, by House Resolution 96th Congress.

Effective Date of 1976 Amendment. Section 203(b) of Pub.L. 94-329 provided in part that the amendment to subsec. (a) of this section by Pub.L. 94-329 shall take effect July 1, 1976.

Legislative History. For legislative history and purpose of Pub.L. 87-195, see

Ch. 32

1961 U.S. Code
2472 See, also
Code Cong. and
1 80 583, 1966
News, p. 2887
Code Cong. and

§ 2314a

Section, Pub.
1971, 84 Stat.
of defense ar
under sections

§§ 2315

Codification.
1971, Pt. II, § 2
437, as amended
defense articles
payment, price
clear, value of ex
tracts for pr
and fixed-price
numbered §§ 55
Pt. II, § 201(f)
Stat. 456, and
2342 and 2343 of

Section 2316.
508, Sept. 4, 1961
which related
transfers to sep
renumbered § 5

§ 2318.

(a)(1) If t
in accordance

(A) th
mediate n
organizat

(B) th
will resul
ests; and

(C) th
thority of
this sectio

T. 22 U.S.C.A. §§ 11

Ch. 32

Ch. 32 MILITARY ASSISTANCE AND SALES 22 § 2318

U.S. Code Cong. and Adm. News, p. L. 93-189, 1973 U.S. Code Cong. and Adm. News, p. 2806; Pub.L. 94-329, 1976 U.S. Code Cong. and Adm. News, p. 1378; Pub.L. 95-105, 1977 U.S. Code Cong. and Adm. News, p. 1625.
 Also, Pub.L. 87-565, 1962 U.S. Code Cong. and Adm. News, p. 2028; Pub.L. 88-563, 1966 U.S. Code Cong. and Adm. News, p. 2887; Pub.L. 92-226, 1972 U.S. Code Cong. and Adm. News, p. 1883; Pub.

§ 2314a. Repealed. Pub.L. 93-189, § 26(4), Dec. 17, 1973, 87 Stat. 731

Historical Note

Section. Pub.L. 91-672, § 9, Jan. 12, 1970, 84 Stat. 2055, related to transfer of defense articles to other countries under sections 2314(a)(1), (4) and 2753 (a)(2) of this title and the prerequisites for the consent of the President to the transfer.

§§ 2315 to 2317. Transferred

Historical Note

Codification. Section 2315, Pub.L. 87-195, Pt. II, § 507, Sept. 4, 1961, 75 Stat. 437, as amended, which related to sale of defense articles and services, manner of payment, price of nonexcess defense articles, value of excess defense articles, contracts for procurement, undertakings, and fixed-price sales agreements, was renumbered §§ 522, 523 by Pub.L. 90-137, Pt. II, § 201(f), (g), Nov. 14, 1967, 81 Stat. 456, and was classified to sections 2342 and 2343 of this title, respectively.

Section 2316, Pub.L. 87-195, Pt. II, § 508, Sept. 4, 1961, 75 Stat. 437, as amended, which related to reimbursements and transfers to separate fund account, was renumbered § 524 by Pub.L. 90-137, Pt. II, § 201(h), Nov. 14, 1967, 81 Stat. 456, and was classified to section 2344 of this title.

Section 2317(a), Pub.L. 87-195, Pt. II, § 509(a), Sept. 4, 1961, 75 Stat. 437; Pub.L. 88-633, Pt. II, § 201(d), Oct. 7, 1964, 78 Stat. 1011, related to exchanges, and was repealed by Pub.L. 90-137, Pt. II, § 201(i) (1), Nov. 14, 1967, 81 Stat. 457.

Section 2317(b), Pub.L. 87-195, Pt. II, § 509(b), as added Pub.L. 88-633, Pt. II, § 201(d), Oct. 7, 1964, 78 Stat. 1011, which related to guaranties, was renumbered § 525(b) by Pub.L. 90-137, Pt. II, § 201(i) (2), Nov. 14, 1967, 81 Stat. 457, and was classified to section 2345(b) of this title.

§ 2318. Determination of unforeseen emergency; report to Congress; orders for defense articles and services; limitation; obligations in anticipation of reimbursements; authorization of appropriations

(a)(1) If the President first determines and reports to Congress in accordance with section 2411 of this title—

(A) that an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization;

(B) that a failure to respond immediately to that emergency will result in serious harm to vital United States security interests; and

(C) that the emergency requirement cannot be met under authority of the Arms Export Control Act or any other law except this section;

22 U.S.C.A. §§ 1251-2500-16

FOREIGN RELATIONS

146

and to be used solely to meet obligations of under that Act [22 U.S.C.A. § 2751 et seq.] transferred under paragraph (3) shall be members of the Armed Forces of the United

conditions as the President may determine, defense articles may be loaned thereunder

for text of (1) to (4)]

that (A) if the defense article is damaged national organization to which it was loaned for the cost of restoring or replacing the article is lost or destroyed while on loan, the organization to which it was loaned will pay to the replacement cost (less any depreciation in

me for text of (c)]

Dec. 16, 1980, 94 Stat. 3138; Pub.L. 97-113, Title I, Pub.L. 99-83, Title I, § 123(a), Aug. 8, 1985, 99

loan for prior provision for making such a loan only if arrangements were made with the agency making the loan for reimbursement in the event the article was lost or destroyed while on loan, the reimbursement to be made first out of any funds available to carry out this part and based on the depreciated value of the article at the time of loss or destruction.

1980 Amendment. Subsec. (a) (3). Pub.L. 96-533 added par. (3).

Effective Date of 1985 Amendment. Amendment by Pub.L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub.L. 99-83, set out as a note under section 2151-1 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-533, see 1980 U.S. Code Cong. and Adm. News, p. 6540. See also, Pub.L. 97-113, 1981 U.S. Code and Adm. News, p. 2404; Pub.L. 99-83, 1985 U.S. Code Cong. and Adm. News, p. 158.

ns; availability of amounts; programming

appropriated to the President to carry out the fiscal year 1986 and \$805,100,000 for fiscal

subsection are authorized to remain available

me for text of (b)]

79, 93 Stat. 702; Pub.L. 96-533, Title I, § 112(b), Title I, § 110(a), Dec. 29, 1981, 95 Stat. 1526; Pub.L. 95.

not to exceed \$238,500,000 for fiscal years 1982 and 1983.

1981 Amendment. Subsec. (a). Pub.L. 97-113 substituted in par. (1) appropriations au-

147

FOREIGN RELATIONS

thorization of \$238,500,000 for fiscal years 1982 and 1983 for authorization of \$106,100,000 for fiscal year 1981; deleted from par. (1) provision limiting assistance in listed amounts to Portugal (\$51,000,000), Spain (\$3,600,000), Philippines (\$25,000,000), and Sudan (\$1,700,000) for fiscal year 1981 and authorization of a 10 percent increase in any such amount when deemed necessary by the President; deleted par. (2) provision limiting assistance only to the countries listed in par. (1); deleted par. (3) prohibition against use of section 2360(a) and 2364(a) authorities to increase par. (1) amounts or par. (2) limitations; and redesignated as par. (2) former par. (4).

1980 Amendment. Subsec. (a) (1). Pub.L. 96-533 substituted appropriations authorization of \$106,100,000 for fiscal year 1981 with allocations of specified amounts for certain countries for fiscal year 1981 for such authorization of \$110,200,000 for fiscal year 1980 with similar allocations for fiscal year 1980, included an allocation for The Sudan and deleted Jordan from the list.

1979 Amendment. Subsec. (a) (1). Pub.L. 96-92 substituted appropriations authorization of \$110,200,000 for fiscal year 1980, for prior authorization of \$133,500,000 for fiscal year 1979, made the allocations available in specified amounts to Portugal, Spain, Jordan and the Philippines, deleted from the listing Greece, and deleted the phrase "for the fiscal year 1979" following "any such country" limiting the percentage increment in an allotment to such fiscal year.

Effective Date of 1985 Amendment. Amendment by Pub.L. 99-83 effective Oct. 1, 1985, see

section 1301 of Pub.L. 99-83, set out as a note under section 2151-1 of this title.

Delegation of Functions. Functions of the President under subsec. (a) of this section, delegated to the Secretary of State, see section 1-201(a) (3) of Ex.Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

Military Assistance to Sudan. Pub.L. 96-53, Title V, § 502, Aug. 14, 1979, 93 Stat. 377, provided that: "In addition to the amount authorized to be appropriated for grant military assistance for the fiscal year 1980 by section 504(a) (1) of the Foreign Assistance Act of 1961 [subsec. (a) (1) of this section], there is authorized to be appropriated to carry out the purposes of chapter 2 of part II of that Act [this part] for the fiscal year 1980 \$1,700,000. Not more than \$1,700,000 of the funds available to carry out that chapter for the fiscal year 1980 may be allocated and made available for assistance for Sudan. For purposes of the last sentence of section 504(a) (1) and for purposes of section 515(b) (1) of the Foreign Assistance Act of 1961 [section 2321(b) (1) of this title], this section shall be deemed to be part of such section 504(a) (1)."

Legislative History. For legislative history and purpose of Pub.L. 96-92, see 1979 U.S. Code Cong. and Adm. News, p. 1651. See also, Pub.L. 96-533, 1980 U.S. Code Cong. and Adm. News, p. 6540; Pub.L. 97-113, 1981 U.S. Code Cong. and Adm. News, p. 2404; Pub.L. 99-83, 1985 U.S. Code Cong. and Adm. News, p. 158.

§ 2314. Furnishing of defense articles or related training or other defense service on grant basis

[See main volume for text of (a) to (e)]

(f) Disposition of defense articles furnished on grant basis; net proceeds to be paid over to United States

Effective July 1, 1974, no defense article shall be furnished to any country on a grant basis unless such country shall have agreed that the net proceeds of sale received by such country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war received under this part will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961. In the case of items which were delivered prior to 1975, the President may waive the requirement that such net proceeds be paid to the United States Government if he determines that to do so is in the national interest of the United States.

[See main volume for text of (g)]

(As amended Pub.L. 99-83, Title I, § 123(b), Aug. 8, 1985, 99 Stat. 205.)

Unconstitutionality of Legislative Veto Provisions

The provisions of section 1254(c)(2) of Title 8, Aliens and Nationality, which authorize a House of Congress, by resolution, to invalidate an action of the Executive Branch, were declared unconstitutional in *Immigration and Naturalization Service v. Chadha*, 1983, 103 S.Ct. 2764, 462 U.S. 919, 97 L.Ed.2d 317. See similar provisions in this section.

22 § 2314

